

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY MAY 2, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2634**

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**Introduced by Assembly Member Lieber**

February 24, 2006

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An act to amend Section 65583 of the Government Code, relating to housing elements.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2634, as amended, Lieber. Housing elements.

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development in meeting the jurisdiction's share of the regional housing need, including an analysis of population and employment trends and other demographic information. The housing element is also required to contain an analysis and program for preserving assisted housing developments to be adopted as an amendment to the housing element by July 1, 1992. Existing law also provides that the failure of the Department of Housing and Community Development to review and report its findings to the local government between July 1, 1992, and the next required periodic review and revision of the housing element

shall not be used as a basis for allocation or denial of specified housing assistance.

This bill would provide that the required analysis of population and employment trends and quantification of the locality's existing and projected housing needs for all income levels, *as specified*, shall include extremely low income households, as defined, thus imposing a state-mandated local program. This bill would delete those obsolete provisions and provide that any amendment that alters the required content of a housing element shall apply to any housing element or housing element amendment the *first* draft of which is submitted to the department, as specified, or ~~when~~ *where* the city, county, or city and county fails to submit the first draft before a specified date.

*This bill would incorporate additional changes in Section 65583 of the Government Code, proposed by SB 1322, to become operative only if SB 1322 and this bill are both chaptered and become effective on or before January 1, 2007, and this bill is chaptered last.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. This act shall be known and may be cited as the*  
2     *Supportive Housing Development Act of 2006.*

3     ~~SECTION 1.~~

4     *SEC. 2.* Section 65583 of the Government Code is amended  
5     to read:

6     65583. The housing element shall consist of an identification  
7     and analysis of existing and projected housing needs and a  
8     statement of goals, policies, quantified objectives, financial  
9     resources, and scheduled programs for the preservation,  
10    improvement, and development of housing. The housing element  
11    shall identify adequate sites for housing, including rental  
12    housing, factory-built housing, and mobilehomes, and shall make  
13    adequate provision for the existing and projected needs of all

1 economic segments of the community. The element shall contain  
2 all of the following:

3 (a) An assessment of housing needs and an inventory of  
4 resources and constraints relevant to the meeting of these needs.  
5 The assessment and inventory shall include all of the following:

6 (1) An analysis of population and employment trends and  
7 documentation of projections and a quantification of the  
8 locality's existing and projected housing needs for all income  
9 levels, including extremely low income households, as defined in  
10 subdivision (b) of Section 50105 and Section 50106 of the Health  
11 and Safety Code. These existing and projected needs shall  
12 include the locality's share of the regional housing need in  
13 accordance with Section 65584. ~~For the purposes of the analysis~~  
14 ~~required by paragraph (3) of this subdivision and paragraph (1)~~  
15 ~~of subdivision (c), local~~ Local agencies shall calculate the subset  
16 of very low income households allotted under Section 65584 that  
17 qualify as extremely low income households. The local agency  
18 may either use available census data to calculate the percentage  
19 of very low income households that qualify as extremely low  
20 income households or presume that 50 percent of the very low  
21 income households qualify as extremely low income households.  
22 The number of extremely low income households and very low  
23 income households shall equal the jurisdiction's allocation of  
24 very low income households pursuant to Section 65584.

25 (2) An analysis and documentation of household  
26 characteristics, including level of payment compared to ability to  
27 pay, housing characteristics, including overcrowding, and  
28 housing stock condition.

29 (3) An inventory of land suitable for residential development,  
30 including vacant sites and sites having potential for  
31 redevelopment, and an analysis of the relationship of zoning and  
32 public facilities and services to these sites.

33 (4) An analysis of potential and actual governmental  
34 constraints upon the maintenance, improvement, or development  
35 of housing for all income levels, *including the types of housing*  
36 *identified in paragraph (1) of subdivision (c)*, and for persons  
37 with disabilities as identified in the analysis pursuant to  
38 paragraph (6), including land use controls, building codes and  
39 their enforcement, site improvements, fees and other exactions  
40 required of developers, and local processing and permit

1 procedures. The analysis shall also demonstrate local efforts to  
2 remove governmental constraints that hinder the locality from  
3 meeting its share of the regional housing need in accordance with  
4 Section 65584 and from meeting the need for housing for persons  
5 with disabilities identified pursuant to paragraph (6).

6 (5) An analysis of potential and actual nongovernmental  
7 constraints upon the maintenance, improvement, or development  
8 of housing for all income levels, including the availability of  
9 financing, the price of land, and the cost of construction.

10 (6) An analysis of any special housing needs, such as those of  
11 the elderly, persons with disabilities, large families, farmworkers,  
12 families with female heads of households, and families and  
13 persons in need of emergency shelter.

14 (7) An analysis of opportunities for energy conservation with  
15 respect to residential development.

16 (8) An analysis of existing assisted housing developments that  
17 are eligible to change from low-income housing uses during the  
18 next 10 years due to termination of subsidy contracts, mortgage  
19 prepayment, or expiration of restrictions on use. "Assisted  
20 housing developments," for the purpose of this section, shall  
21 mean multifamily rental housing that receives governmental  
22 assistance under federal programs listed in subdivision (a) of  
23 Section 65863.10, state and local multifamily revenue bond  
24 programs, local redevelopment programs, the federal Community  
25 Development Block Grant Program, or local in-lieu fees.  
26 "Assisted housing developments" shall also include multifamily  
27 rental units that were developed pursuant to a local inclusionary  
28 housing program or used to qualify for a density bonus pursuant  
29 to Section 65916.

30 (A) The analysis shall include a listing of each development  
31 by project name and address, the type of governmental assistance  
32 received, the earliest possible date of change from low-income  
33 use and the total number of elderly and nonelderly units that  
34 could be lost from the locality's low-income housing stock in  
35 each year during the 10-year period. For purposes of state and  
36 federally funded projects, the analysis required by this  
37 subparagraph need only contain information available on a  
38 statewide basis.

39 (B) The analysis shall estimate the total cost of producing new  
40 rental housing that is comparable in size and rent levels, to

1 replace the units that could change from low-income use, and an  
2 estimated cost of preserving the assisted housing developments.  
3 This cost analysis for replacement housing may be done  
4 aggregately for each five-year period and does not have to  
5 contain a project-by-project cost estimate.

6 (C) The analysis shall identify public and private nonprofit  
7 corporations known to the local government which have legal  
8 and managerial capacity to acquire and manage these housing  
9 developments.

10 (D) The analysis shall identify and consider the use of all  
11 federal, state, and local financing and subsidy programs which  
12 can be used to preserve, for lower income households, the  
13 assisted housing developments, identified in this paragraph,  
14 including, but not limited to, federal Community Development  
15 Block Grant Program funds, tax increment funds received by a  
16 redevelopment agency of the community, and administrative fees  
17 received by a housing authority operating within the community.  
18 In considering the use of these financing and subsidy programs,  
19 the analysis shall identify the amounts of funds under each  
20 available program which have not been legally obligated for  
21 other purposes and which could be available for use in preserving  
22 assisted housing developments.

23 (b) (1) A statement of the community's goals, quantified  
24 objectives, and policies relative to the maintenance, preservation,  
25 improvement, and development of housing.

26 (2) It is recognized that the total housing needs identified  
27 pursuant to subdivision (a) may exceed available resources and  
28 the community's ability to satisfy this need within the content of  
29 the general plan requirements outlined in Article 5 (commencing  
30 with Section 65300). Under these circumstances, the quantified  
31 objectives need not be identical to the total housing needs. The  
32 quantified objectives shall establish the maximum number of  
33 housing units by income category, including extremely low  
34 income, that can be constructed, rehabilitated, and conserved  
35 over a five-year time period.

36 (c) A program which sets forth a five-year schedule of actions  
37 the local government is undertaking or intends to undertake to  
38 implement the policies and achieve the goals and objectives of  
39 the housing element through the administration of land use and  
40 development controls, provision of regulatory concessions and

1 incentives, and the utilization of appropriate federal and state  
2 financing and subsidy programs when available and the  
3 utilization of moneys in a low- and moderate-income housing  
4 fund of an agency if the locality has established a redevelopment  
5 project area pursuant to the Community Redevelopment Law  
6 (Division 24 (commencing with Section 33000) of the Health and  
7 Safety Code). In order to make adequate provision for the  
8 housing needs of all economic segments of the community, the  
9 program shall do all of the following:

10 (1) Identify actions that will be taken to make sites available  
11 during the planning period of the general plan with appropriate  
12 zoning and development standards and with services and  
13 facilities to accommodate that portion of the city's or county's  
14 share of the regional housing need for each income level that  
15 could not be accommodated on sites identified in the inventory  
16 completed pursuant to paragraph (3) of subdivision (a) without  
17 rezoning, and to comply with the requirements of Section  
18 65584.09. Sites shall be identified as needed to facilitate and  
19 encourage the development of a variety of types of housing for  
20 all income levels, including multifamily rental housing,  
21 factory-built housing, mobilehomes, housing for agricultural  
22 employees, supportive housing *single-room occupancy units*,  
23 emergency shelters, and transitional housing.

24 (A) Where the inventory of sites, pursuant to paragraph (3) of  
25 subdivision (a), does not identify adequate sites to accommodate  
26 the need for groups of all household income levels pursuant to  
27 Section 65584, the program shall identify sites that can be  
28 developed for housing within the planning period pursuant to  
29 subdivision (h) of Section 65583.2.

30 (B) Where the inventory of sites pursuant to paragraph (3) of  
31 subdivision (a) does not identify adequate sites to accommodate  
32 the need for farmworker housing, the program shall provide for  
33 sufficient sites to meet the need with zoning that permits  
34 farmworker housing use by right, including density and  
35 development standards that could accommodate and facilitate the  
36 feasibility of the development of farmworker housing for low-  
37 and very low income households.

38 (2) Assist in the development of adequate housing to meet the  
39 needs of extremely low, very low, low-, and moderate-income  
40 households.

1 (3) Address and, where appropriate and legally possible,  
2 remove governmental constraints to the maintenance,  
3 improvement, and development of housing, including housing for  
4 all income levels and housing for persons with disabilities. The  
5 program shall remove constraints to, or provide reasonable  
6 accommodations for housing designed for, intended for  
7 occupancy by, or with supportive services for, persons with  
8 disabilities.

9 (4) Conserve and improve the condition of the existing  
10 affordable housing stock, which may include addressing ways to  
11 mitigate the loss of dwelling units demolished by public or  
12 private action.

13 (5) Promote housing opportunities for all persons regardless of  
14 race, religion, sex, marital status, ancestry, national origin, color,  
15 familial status, or disability.

16 (6) ~~(A)~~—Preserve for lower income households the assisted  
17 housing developments identified pursuant to paragraph (8) of  
18 subdivision (a). The program for preservation of the assisted  
19 housing developments shall utilize, to the extent necessary, all  
20 available federal, state, and local financing and subsidy programs  
21 identified in paragraph (8) of subdivision (a), except where a  
22 community has other urgent needs for which alternative funding  
23 sources are not available. The program may include strategies  
24 that involve local regulation and technical assistance.

25 ~~(B)~~

26 (7) The program shall include an identification of the agencies  
27 and officials responsible for the implementation of the various  
28 actions and the means by which consistency will be achieved  
29 with other general plan elements and community goals. The local  
30 government shall make a diligent effort to achieve public  
31 participation of all economic segments of the community in the  
32 development of the housing element, and the program shall  
33 describe this effort.

34 (d) Except as otherwise provided in this article, amendments  
35 to this article that alter the required content of a housing element  
36 shall apply to both of the following:

37 (1) A housing element or housing element amendment  
38 prepared pursuant to subdivision (e) of Section 65588, ~~when a~~  
39 ~~city, county, or city and county submits a draft to the department~~  
40 *or Section 65584.02, where a city, county, or city and county*

1 *submits a first draft to the department* for review pursuant to  
2 Section 65585 more than 90 days after the effective date of the  
3 amendment to this section.

4 (2) Any housing element or housing element amendment  
5 prepared pursuant to subdivision (e) of Section 65588, ~~when the~~  
6 ~~city, county, or city and county fails to submit the first draft to~~  
7 ~~the~~ or Section 65584.02, *where the city, county, or city and*  
8 *county fails to submit the first draft to the department before the*  
9 *due date specified in Section 65588 or 65584.02 .*

10 *SEC. 1.5. Section 65583 of the Government Code is amended*  
11 *to read:*

12 65583. The housing element shall consist of an identification  
13 and analysis of existing and projected housing needs and a  
14 statement of goals, policies, quantified objectives, financial  
15 resources, and scheduled programs for the preservation,  
16 improvement, and development of housing. The housing element  
17 shall identify adequate sites for housing, including rental  
18 housing, factory-built housing, ~~and~~ mobilehomes, and *emergency*  
19 *shelters, and shall make adequate provision for the existing and*  
20 *projected needs of all economic segments of the community. The*  
21 *element shall contain all of the following:*

22 (a) An assessment of housing needs and an inventory of  
23 resources and constraints relevant to the meeting of these needs.  
24 The assessment and inventory shall include all of the following:

25 (1) An analysis of population and employment trends and  
26 documentation of projections and a quantification of the  
27 locality's existing and projected housing needs for all income  
28 levels, *including extremely low income households, as defined in*  
29 *subdivision (b) of Section 50105 and Section 50106 of the Health*  
30 *and Safety Code. These existing and projected needs shall*  
31 *include the locality's share of the regional housing need in*  
32 *accordance with Section 65584. For the purposes of the analysis*  
33 *required by paragraph (3) of this subdivision and paragraph (1)*  
34 *of subdivision (c), local agencies shall calculate the subset of*  
35 *very low income households allotted under Section 65584 that*  
36 *qualify as extremely low income households. The local agency*  
37 *may either use available census data to calculate the percentage*  
38 *of very low income households that qualify as extremely low*  
39 *income households or presume that 50 percent of the very low*  
40 *income households qualify as extremely low income households.*



1 *The number of extremely low income households and very low*  
2 *income households shall equal the jurisdiction's allocation of*  
3 *very low income households pursuant to Section 65584.*

4 (2) An analysis and documentation of household  
5 characteristics, including level of payment compared to ability to  
6 pay, housing characteristics, including overcrowding, and  
7 housing stock condition.

8 (3) An inventory of land suitable for residential development,  
9 including vacant sites and sites having potential for  
10 redevelopment, and an analysis of the relationship of zoning and  
11 public facilities and services to these sites.

12 (4) An analysis of potential and actual governmental  
13 constraints upon the maintenance, improvement, or development  
14 of housing for all income levels and for persons with disabilities  
15 as identified in the analysis pursuant to paragraph (6), including  
16 land use controls, building codes and their enforcement, site  
17 improvements, fees and other exactions required of developers,  
18 and local processing and permit procedures. The analysis shall  
19 also demonstrate local efforts to remove governmental  
20 constraints that hinder the locality from meeting its share of the  
21 regional housing need in accordance with Section 65584 and  
22 from meeting the need for housing for persons with disabilities  
23 identified pursuant to paragraph (6).

24 (5) An analysis of potential and actual nongovernmental  
25 constraints upon the maintenance, improvement, or development  
26 of housing for all income levels, including the availability of  
27 financing, the price of land, and the cost of construction.

28 (6) An analysis of any special housing needs, such as those of  
29 the elderly, persons with disabilities, large families, farmworkers,  
30 families with female heads of households, and families and  
31 persons in need of emergency shelter *and transitional housing*.

32 (7) *An inventory of sites suitable for the development within*  
33 *the planning period of emergency shelters that are zoned to*  
34 *permit the development of these shelters as a use by right, as*  
35 *defined in subdivision (i) of Section 65583.2. The sites shall be*  
36 *zoned with appropriate development and management standards*  
37 *and served with appropriate infrastructure to accommodate the*  
38 *community's need for emergency shelters identified pursuant to*  
39 *paragraph (6).*

40 ~~(7)~~

1 (8) An analysis of opportunities for energy conservation with  
2 respect to residential development.

3 ~~(8)~~

4 (9) An analysis of existing assisted housing developments that  
5 are eligible to change from low-income housing uses during the  
6 next 10 years due to termination of subsidy contracts, mortgage  
7 prepayment, or expiration of restrictions on use. “Assisted  
8 housing developments,” for the purpose of this section, shall  
9 mean multifamily rental housing that receives governmental  
10 assistance under federal programs listed in subdivision (a) of  
11 Section 65863.10, state and local multifamily revenue bond  
12 programs, local redevelopment programs, the federal Community  
13 Development Block Grant Program, or local in-lieu fees.  
14 “Assisted housing developments” shall also include multifamily  
15 rental units that were developed pursuant to a local inclusionary  
16 housing program or used to qualify for a density bonus pursuant  
17 to Section 65916.

18 (A) The analysis shall include a listing of each development  
19 by project name and address, the type of governmental assistance  
20 received, the earliest possible date of change from low-income  
21 use and the total number of elderly and nonelderly units that  
22 could be lost from the locality’s low-income housing stock in  
23 each year during the 10-year period. For purposes of state and  
24 federally funded projects, the analysis required by this  
25 subparagraph need only contain information available on a  
26 statewide basis.

27 (B) The analysis shall estimate the total cost of producing new  
28 rental housing that is comparable in size and rent levels, to  
29 replace the units that could change from low-income use, and an  
30 estimated cost of preserving the assisted housing developments.  
31 This cost analysis for replacement housing may be done  
32 aggregately for each five-year period and does not have to  
33 contain a project-by-project cost estimate.

34 (C) The analysis shall identify public and private nonprofit  
35 corporations known to the local government which have legal  
36 and managerial capacity to acquire and manage these housing  
37 developments.

38 (D) The analysis shall identify and consider the use of all  
39 federal, state, and local financing and subsidy programs which  
40 can be used to preserve, for lower income households, the

1 assisted housing developments, identified in this paragraph,  
2 including, but not limited to, federal Community Development  
3 Block Grant Program funds, tax increment funds received by a  
4 redevelopment agency of the community, and administrative fees  
5 received by a housing authority operating within the community.  
6 In considering the use of these financing and subsidy programs,  
7 the analysis shall identify the amounts of funds under each  
8 available program which have not been legally obligated for  
9 other purposes and which could be available for use in preserving  
10 assisted housing developments.

11 (b) (1) A statement of the community's goals, quantified  
12 objectives, and policies relative to the maintenance, preservation,  
13 improvement, and development of housing.

14 (2) It is recognized that the total housing needs identified  
15 pursuant to subdivision (a) may exceed available resources and  
16 the community's ability to satisfy this need within the content of  
17 the general plan requirements outlined in Article 5 (commencing  
18 with Section 65300). Under these circumstances, the quantified  
19 objectives need not be identical to the total housing needs. The  
20 quantified objectives shall establish the maximum number of  
21 housing units by income category, *including extremely low*  
22 *income*, that can be constructed, rehabilitated, and conserved  
23 over a five-year time period.

24 (c) A program which sets forth a five-year schedule of actions  
25 the local government is undertaking or intends to undertake to  
26 implement the policies and achieve the goals and objectives of  
27 the housing element through the administration of land use and  
28 development controls, provision of regulatory concessions and  
29 incentives, and the utilization of appropriate federal and state  
30 financing and subsidy programs when available and the  
31 utilization of moneys in a low- and moderate-income housing  
32 fund of an agency if the locality has established a redevelopment  
33 project area pursuant to the Community Redevelopment Law  
34 (Division 24 (commencing with Section 33000) of the Health and  
35 Safety Code). In order to make adequate provision for the  
36 housing needs of all economic segments of the community, the  
37 program shall do all of the following:

38 (1) Identify actions that will be taken to make sites available  
39 during the planning period of the general plan with appropriate  
40 zoning and development standards and with services and

1 facilities to accommodate that portion of the city's or county's  
2 share of the regional housing need for each income level that  
3 could not be accommodated on sites identified in the inventory  
4 completed pursuant to paragraph (3) of subdivision (a) without  
5 rezoning, and to comply with the requirements of Section  
6 65584.09. Sites shall be identified as needed to facilitate and  
7 encourage the development of a variety of types of housing for  
8 all income levels, including multifamily rental housing,  
9 factory-built housing, mobilehomes, housing for agricultural  
10 employees, *supportive housing*, emergency shelters, and  
11 transitional housing.

12 (A) Where the inventory of sites, pursuant to paragraph (3) of  
13 subdivision (a), does not identify adequate sites to accommodate  
14 the need for groups of all household income levels pursuant to  
15 Section 65584, the program shall identify sites that can be  
16 developed for housing within the planning period pursuant to  
17 subdivision (h) of Section 65583.2.

18 (B) Where the inventory of sites pursuant to paragraph (3) of  
19 subdivision (a) does not identify adequate sites to accommodate  
20 the need for farmworker housing, the program shall provide for  
21 sufficient sites to meet the need with zoning that permits  
22 farmworker housing use by right, including density and  
23 development standards that could accommodate and facilitate the  
24 feasibility of the development of farmworker housing for low-  
25 and very low income households.

26 (C) *Where the inventory of sites pursuant to paragraph (7) of*  
27 *subdivision (a) does not identify adequate sites to accommodate*  
28 *the need for emergency shelters identified pursuant to paragraph*  
29 *(6) of subdivision (a), the program shall identify actions that will*  
30 *be taken to make available adequate sites that can be developed*  
31 *within the planning period to meet the need for emergency*  
32 *shelters. The sites shall be zoned to permit the development of*  
33 *shelters as a use by right, as defined in subdivision (i) of Section*  
34 *65583.2, and shall be zoned with appropriate development and*  
35 *management standards and served with appropriate*  
36 *infrastructure to accommodate the community's need for*  
37 *emergency shelters.*

38 (2) Assist in the development of adequate housing to meet the  
39 needs of *extremely low, very low, low- and moderate-income*  
40 households.

1 (3) Address and, where appropriate and legally possible,  
2 remove governmental constraints to the maintenance,  
3 improvement, and development of housing, including housing for  
4 all income levels and housing for persons with disabilities. The  
5 program shall remove constraints to, or provide reasonable  
6 accommodations for housing designed for, intended for  
7 occupancy by, or with supportive services for, persons with  
8 disabilities.

9 (4) Conserve and improve the condition of the existing  
10 affordable housing stock, which may include addressing ways to  
11 mitigate the loss of dwelling units demolished by public or  
12 private action.

13 (5) Promote housing opportunities for all persons regardless of  
14 race, religion, sex, marital status, ancestry, national origin, color,  
15 familial status, or disability.

16 (6) ~~(A)~~—Preserve for lower income households the assisted  
17 housing developments identified pursuant to paragraph (8) of  
18 subdivision (a). The program for preservation of the assisted  
19 housing developments shall utilize, to the extent necessary, all  
20 available federal, state, and local financing and subsidy programs  
21 identified in paragraph (8) of subdivision (a), except where a  
22 community has other urgent needs for which alternative funding  
23 sources are not available. The program may include strategies  
24 that involve local regulation and technical assistance.

25 ~~(B)~~

26 (7) The program shall include an identification of the agencies  
27 and officials responsible for the implementation of the various  
28 actions and the means by which consistency will be achieved  
29 with other general plan elements and community goals. The local  
30 government shall make a diligent effort to achieve public  
31 participation of all economic segments of the community in the  
32 development of the housing element, and the program shall  
33 describe this effort.

34 ~~(d) The analysis and program for preserving assisted housing~~  
35 ~~developments required by the amendments to this section enacted~~  
36 ~~by the Statutes of 1989 shall be adopted as an amendment to the~~  
37 ~~housing element by July 1, 1992.~~

38 ~~(e) Failure of the department to review and report its findings~~  
39 ~~pursuant to Section 65585 to the local government between July~~  
40 ~~1, 1992, and the next periodic review and revision required by~~

~~Section 65588, concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with Section 50400) of Division 31 of the Health and Safety Code.~~

*(d) A local government may satisfy the requirements to identify sites suitable for the development of emergency shelters pursuant to paragraph (7) of subdivision (a) and to include a program to identify sufficient sites for these shelters pursuant to subparagraph (C) of paragraph (1) of subdivision (c) by adopting and implementing a multijurisdictional agreement with adjacent communities that commits the participating jurisdictions to identify sufficient sites suitable for development within the planning period of emergency shelters that are zoned to permit the development of these shelters as a use by right, as defined in subdivision (i) of Section 65583.2. The sites shall be zoned with appropriate development and management standards and served with appropriate infrastructure to accommodate the combined need for emergency shelters of all the participating jurisdictions, as identified by each jurisdiction pursuant to paragraph (6) of subdivision (a).*

*(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:*

*(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.*

*(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.*

*SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65583 of the Government Code proposed by both this bill and SB 1322. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2)*

1 *each bill amends Section 65583 of the Government Code, and (3)*  
2 *this bill is enacted after SB 1322, in which case Section 1 of this*  
3 *bill shall not become operative.*

4 ~~SEC. 2.~~

5 SEC. 3. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 a local agency or school district has the authority to levy service  
8 charges, fees, or assessments sufficient to pay for the program or  
9 level of service mandated by this act, within the meaning of  
10 Section 17556 of the Government Code.